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Application No. 10/030,729
Response dated Dec. 6, 2005
Response to Office Action of October 6, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Hill et al. : Group Art Unit: 1646
Serial No: 10/030,729 : Examiner: Michael D. Pak
Filed: June 20, 2002 : Confirmation No. 2471
For: GENETIC SEQUENCES ENCODING STEROID AND JUVENILE
HORMONE RECEPTOR POLYPEPTIDES AND USES THEREFOR

CERTIFICATE OF FACSIMILE TRANSMISSION

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Date

December 6, 2005
Donna M. Ferber

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450
Sir:

In response to the Office Action mailed October 6, 2005, Applicants respectfully request reconsideration of the requirement for restriction. This response is accompanied by a Petition for Extension of Time and payment of the necessary fee.

Remarks begin on page 2 of this paper.

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The Requirement for Restriction

The Patent Office has required restriction under 35 U.S.C. 121 and 372, alleging that the claims embody multiple inventions:

Group 1, claims 1-16 in part, 23-24 in part, 40-46 in part, drawn to nucleotide sequences encoding the polypeptide of SEQ ID NO:4, vector construct and host cell comprising the vector.

Groups 2-14, claims 1-16 in part, 23-24 in part, 40-46 in part, drawn to nucleic acid sequences encoding the polypeptides of SEQ ID NOs:6, 8, 14, 16, 18, 20, 38, 40, 44 and nucleic acid sequences set forth in NM 99/04565, 99/04568, 00/12580, 00/12581.

Groups 15-29, claims 17-22, drawn to a method of identifying nucleic acids encoding polypeptides comprising hybridizing genomic DNA, mRNA or cDNA and isolating the hybridized DNA.

Groups 30-44, claims 25-39, drawn to polypeptide of SEQ ID NOs:6, 8, 14, 16, 18, 20, 38, 40, 44 and NM 99/04565, 99/04568, 00/12580, 00/12581.

Group 45, claims 47-54, drawn to a method of identifying a modulator comprising assay expression of a reporter system.

Group 46, claims 55-63, drawn to a method of identifying a potential insecticidal compound comprising assaying the binding with a polypeptide

Group 47, claims 64-68, drawn to identifying a candidate insecticidally active agent.

Group 48, claim 70, drawn to a synthetic compound that interacts with the three dimensional structure of a polypeptide.

Group 49, claim 71, drawn to a method of identifying a synthetic compound having insecticidal activity.

Groups 50-63, drawn to a hormone binding complex that binds insect ecdysteroid.

Groups 50-63, recite the special technical feature of a polypeptide of a hormone binding complex that binds insect ecdysteroid, which is not required by other product of Group 1, 15-29, 30-44 and 48A.

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The Examiner has required restriction between product and process claims, but if a product is elected and found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants elect with traverse for examination the claims of the group wherein the polypeptide is characterized as having at least 80% amino acid sequence identity to SEQ ID NO:40, which is the sequence of the *Bemisia tabaci* ecdysteroid receptor partner protein. Among claims 25-39, Groups 30-44, the claims that read on the elected sequence(s) include claim 25 (second option of subparagraph vii and also subparagraph viii) and claim 32. Applicants note that at page 27, lines 23-29, the specification indicates that the deposited strain expresses the EcR partner protein (USP polypeptide) of the *B. tabaci* ecdysone receptor or the USP polypeptide subunit of the *B. tabaci* juvenile hormone receptor, i.e., the polypeptide of SEQ ID NO:40.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested.

If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

This response is accompanied by a Petition for Extension of Time (one month) and authorization to charge Deposit Account No. 07-1969 the amount of \$120.00 as required by 37 C.F.R. 1.17. It is believed that this amendment does not necessitate the payment of

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any additional fees under 37 C.F.R. 1.16-1.17. If the amount submitted is incorrect, however, please charge any additional fee due to Deposit Account No. 07-1969.

Respectfully submitted,



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